

Summary of Changes (v22.08):

1. Act 174 Relating to Hawaii products preference, was signed into law on 06/27/2022 by Governor David Ige. Page 2 of Act 174, amended the procurement preference for Hawaii products to only apply to the procurement of agricultural goods, value-added products, and commodities, subject to availability and policy considerations. Link to Act 174: https://www.capitol.hawaii.gov/session2022/bills/GM1275_.PDF
2. Page TG 00415-1, delete paragraph 1.5, referring to Hawaii Product Preference.

1. Coordination Issues:

- 1.1 The information contained in and required by this section has serious contract implications. Ensure there are no errors in the final specification section.
- 1.2 If the project warrants a detailed construction schedule (for onsite work or phased construction completion), the Project Coordinator will determine whether to use SECTION 01100 – PROJECT REQUIREMENTS to locate the information or here in the appropriate BID or PROPOSAL FORMS. Make sure the information in the BID or PROPOSAL FORMS are appropriately referenced.
- 1.3 Make sure to match the appropriate TG 00410 and TG 00411, Solicitation, Offer and Contract Form sections to the respective section from TG 00100 Solicitation Notices, and respective section from TG 00210 Instructions to Bidders.
- 1.4 Ensure the proposed construction duration has adequate time for anticipated work and ordering materials. Evaluate the time required for alternate(s). Confirm time requirements with the user.

~~1.5 The Hawaii Product List is available at the State Procurement Office website <http://www.hawaii.gov/spo/hawaii-public-procurement-code-chapter-103d-hrs/alphabetical-list-of-qualified-applicants/>. Use the most current list.~~

2. Design Issues: (Not Used)

3. Drawing Notes: (Not Used)

4. Standard Drawings: (Not Used)

5. Specification Notes: (Not Used)

6. Guide Specification:

- 6.1 SOLICITATION, OFFER AND CONTRACT FORM TG 00410 and TG 00411 as applicable are attached and are to be used for projects procured under the competitive sealed low bid system. Use this TG 00410 or TG 00411 as applicable with TG 00110 - NOTICE TO BIDDERS and TG 00210 INSTRUCTIONS TO BIDDERS. TG 00410 is for projects without alternates and TG 00411 is for projects with alternates.
- 6.2 MULTI-STEP SOLICITATION, OFFER AND CONTRACT FORM TG 00412 is to be used for projects procured under the multi-step competitive sealed bid system. It is a two step process where unpriced technical offers are evaluated to determine acceptable bidders in the first phase, and in the second phase the acceptable bidders submit their sealed price bids for consideration. Award is made to the lowest responsive and responsible bidder. Use this Form TG 00412 with TG 00112 - INVITATION TO BIDDERS MULTI-STEP BID and TG 00212 - INSTRUCTIONS TO BIDDERS MULTI-STEP BID. **(To be developed)**

6.3 INFORMAL BID FORM TG 00415 is attached as applicable and is to be used for projects with an estimated construction cost less than \$50,000.

6.4 SOLICITATION, OFFER AND CONTRACT FORM TG 00420 is to be used for projects procured under the competitive sealed proposal process. The request for proposals (RFP) process is a common example of the competitive sealed proposal. Use this TG 00420 with TG 00120 - REQUEST FOR PROPOSALS and TG 00220 - INSTRUCTIONS TO OFFERS.
(To be developed)

SPECIFIER'S NOTE: Blue colored texts are Notes to the Specifier and should be completely deleted from the final text. Where [red colored text in brackets] is shown in this specification section, insert wording, numbers, etc. as appropriate and delete brackets. Where <Red colored text in brackets> is shown, choice is indicated. Make the appropriate choice and delete the brackets. Maintain footer notation in italics with the current version used. (e.g. TG 00415 v~~11.0522.08~~).

Do not include the Project Name (etc.) line in the footer. Use the following format for the specification footer.

TG 00415 v~~11.0522.08~~
DAGS Job No. 00-00-0000

Informal Bid Form
00415 - 1

End Footer Sample

TG 00415 INFORMAL BID FORM

SPECIFIER'S NOTE: Add this section for all projects procured under the informal bid provisions. Make sure to coordinate related solicitation notice. Choose the word "Complete" when the use of "Construct" is inappropriate such as for demolition work.

INFORMAL BID FORM

TO **<COMPLETE><CONSTRUCT>**

[PROJECT NAME]
[PROJECT TITLE]
DAGS JOB NO. [00-00-0000]

After carefully examining the bid documents, including the specifications, drawings, addenda and other proposed contract documents, the Bidder offers to provide labor, materials, tools, equipment and other services to complete the Work and requirements of the Project all for the Lump Sum Bid of:

_____ DOLLARS

\$_____. The Bidder agrees to the conditions and requirements stipulated in this Informal Bid Form. (*Bidder's Instructions *1*)

This project is being solicited as a small purchase under Section 103D-305 HRS -. Informal Bid must be under **<\$50,000>** for it to be accepted and treated as a small purchase.

SPECIFIER'S NOTE: OPTION 1 (Paragraphs A and B) is for projects with separate Letters of Awards and Notice to Proceed. OPTION 2 (Paragraph A) is for a concurrent Letter of Award and Notice to Proceed. Only select one OPTION and delete other OPTION.

Project Coordinator will determine the contract time. Ensure adequate time is provided for the expected weather delays (normal rain, bad weather conditions) at the project site, as these conditions are not subject to contract time extensions.

SCHEDULE FOR WORK

Bidder shall commence and complete all Work within the time frames stipulated and as follows:

OPTION 1

Part 1

- A. After the project is awarded, Contractor shall begin preparatory work, obtain approvals, permits, process submittals, or other directed work. The bidder shall not start any work at the jobsite or order any materials before the Notice to Proceed is issued, unless the Contracting Officer specifically issues a written authorization to proceed with designated work.
- B. After issuance of the Notice to Proceed, or upon written authorization from the Contracting Officer to proceed with designated work, the bidder can order approved materials, do off-site fabrication and similar work. The bidder shall start and complete the work per the dates, times and durations noted in the Contract Duration in Part 2.

END OPTION 1

Use (OPTION 2) only with the approval of the PUBLIC WORKS ADMINISTRATOR for short time frame construction projects with specified deadlines; otherwise delete option. Refer to guidance provided under the SPECIAL CONDITIONS regarding modifications to the GENERAL CONDITIONS, SECTION 3.10 - NOTICE TO PROCEED.

OPTION 2

Part 1

- A. The Letter of Award also serves as the written Notice to Proceed and after the project is awarded, the bidder can order approved materials, do off-site fabrication and similar work. Jobsite work shall start and be completed per the dates, times and durations noted in the Contract Duration in Part 2.

END OPTION 2

SPECIFIER’S NOTE: Insert a reasonable time frame for construction duration based on past projects of similar type, size and complexity and User’s needs. Insert appropriate number of calendar days.

Part 2

Contract Duration [000] Calendar Days

[See SECTION 01100 - PROJECT REQUIREMENTS for additional time and duration requirements.]

SPECIFIER’S NOTE: Use the appropriate cost limit allowed for the Informal Bid.

METHOD OF AWARD AND OTHER CONDITIONS

No award can be made unless the Informal Bid is less than ~~<\$50,000>~~.

It is understood that the contract will be awarded, if it be awarded, to the lowest responsive, responsible bidder whose bid meets the requirements and criteria set forth in the solicitation documents and as determined by the Comptroller. It is further understood and agreed that:

1. The Comptroller may reject any or all bids and waive any defects if the Comptroller believes such rejection or waiver is in the best interest of the State.
2. The award of the contract is conditioned upon funds made available for the project. The Comptroller shall hold all bids received for a period of 60 days from the bid opening date, unless otherwise required by law, during which time no bid may be withdrawn, without penalty.
3. **Bid Security and Tax Clearance** – Bidder shall submit bid security for all bids of \$25,000 or higher. Upon the Department’s acceptance of the Informal Bid, the bidder shall furnish a certified tax clearance before the Department will issue a Contract or Purchase Order for the Work.
4. **Liquidated Damages** - Bidder agrees to pay liquidated damages as specified in SECTION 00800 - SPECIAL CONDITIONS.
5. Bidder declares that its firm was not assisted or represented by an individual who has, in a State capacity, been involved in this project or this proposed contract in the past two consecutive years.
6. **Anti-collusion Certification** - In accordance with HAR 3-122-192, the bidder declares that the price submitted for this Bid is independently arrived at without collusion.
7. **Labor and Wage Certification** - In accordance with “HRS 104 Wages and Hours of Employment on Public Works Construction Projects” in excess of \$2,000, the bidder shall comply with the requirements of chapter 104 and certifies that:
 - a. Individuals engaged in the performance of the contract on the job site shall be paid not less than wages that the Director of Labor and Industrial Relations determines to be prevailing for corresponding classes of laborers and mechanics employed on public works projects, including any periodic adjustments to the prevailing wages during the performance of the contract;
 - b. Overtime compensation shall be at one and one-half times the basic hourly rate plus fringe benefits for hours worked on Saturday, Sunday, or legal holiday of the State, or in excess of eight hours on any other day; and
 - c. All applicable laws of the federal and state governments relating to workers’ compensation, unemployment compensation, payment of wages, and safety shall be fully complied with.
8. Payments will be made according to the applicable provisions of the General Conditions.
9. Tax Clearance and Hawaii Business Certificates – For bids of \$25,000 or more, Bidders shall submit valid tax clearance certificates from the State Department of Taxation and the Internal Revenue Service or shall submit “Special Letters”, that comply with the BIDDING AND EXECUTION OF CONTRACT REQUIREMENTS “Tax Clearance” section. Include the tax clearance certificates or Special Letters with the Competitive INFORMAL BID FORM.

As a condition for award of the contract (§3-122-112) HAR, Bidders shall be incorporated or organized as a Hawaii business or a compliant non-Hawaii Business and shall submit certificates from the Department of Taxation (DOTAX), Department of Labor and Industrial Relations (DLIR Form LIR #27) and Department of Commerce and Consumer Affairs (DCCA), Business Registration Division (BREG, "Certificate of Good Standing").

10. **Campaign contributions by State and County Contractors** – Contractors are hereby notified of the applicability of Section 11-355 HRS, which states that campaign contributions are prohibited from specified State or County government contractors during the term of the contractor if the contractors are paid with funds appropriated by a legislative body.

RECEIPT OF ADDENDA (*Bidder's Instructions (*2)*)

Bidder acknowledges receipt of the following addenda issued by the Department, and the Bidder shall indicate by marking each applicable box:

- | | |
|---|---|
| <input type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 3 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 4 |

Joint Contractors or Subcontractors List

COMPLETE FIRM NAME JOINT CONTRACTOR OR SUBCONTRACTOR	NATURE OF WORK TO BE PERFORMED

SPECIFIER'S NOTE: Start the signatory page on a new sheet

OFFERED AND AGREED TO BY THE BIDDER:

_____	Business Organization (*3a)	_____	Legal Name of Company, Joint Venture or Partnership (*5)
_____	By	_____	Signature (*4)
_____	Date	_____	Print Name
_____	License No. (*3b)	_____	Title
		_____	Address

(Corporate Seal)		_____	
		_____	Telephone Number
		_____	Facsimile Number
		_____	General Excise Tax I.D. Number (*6)
		_____	Federal Tax I.D. Number

BIDDER'S INSTRUCTIONS - NOTES FOR COMPLETING FORM AND SIGNATORY PAGE

Fill out the BID FORM completely.

(*1) Fill out the Total Lump Sum Price in dollars and written form.

(*2) Fill out the dates the addendum was received.

(*3) Fill out the company information on the signatory page.

a. For Business Organization, enter one of the following: Sole Proprietor, Partnership, Corporation, Joint Venture, or Other.

b. Enter your Contractor's license number.

(*4) **MANUAL SIGNATURE REQUIRED.** Attach to this page evidence of the authority of this officer to submit bids on behalf of the Company, and also the names and residence addresses of all officers of the Company.

(*5) If Offeror is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed.

(*6) Include Offeror's Hawaii General Excise Tax I.D. Number and Federal Tax I.D. Number.

Fill in information in all blank spaces or the bid may be invalidated. **INFORMAL BID FORM MUST BE INTACT; MISSING PAGES OR ANY ALTERATIONS MAY INVALIDATE THE BID. ALL INFORMATION SHALL BE WRITTEN IN INK OR TYPED.**

END OF SECTION